



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# Standing Committee on Transport, Infrastructure and Communities

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TRAN • NUMBER 007 • 1st SESSION • 42nd PARLIAMENT

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EVIDENCE

**Monday, April 11, 2016**

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**Chair**

**The Honourable Judy A. Sgro**



## Standing Committee on Transport, Infrastructure and Communities

Monday, April 11, 2016

• (1530)

[English]

**The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)):** I call to order meeting number 7 of the Standing Committee on Transport, Infrastructure and Communities. Pursuant to Standing Order 108(2), we are studying rail safety.

We have a variety of witnesses today. From Teamsters Canada, we have Don Ashley, national legislative director; and Phil Benson, lobbyist. From Unifor, we have Jerry Dias, national president; and Brian Stevens, national rail director. From the Union of Canadian Transportation Employees, we have Christine Collins, national president; and Michael Teeter, political adviser. By video conference from Montreal, Quebec, representing the United Steelworkers, we have Pierre Arseneau, coordinator for Montreal.

I am going to suggest that we start with Mr. Arseneau, since he is here by video conference.

Mr. Arseneau, you have 10 minutes to present your deputation to the committee.

[Translation]

**Mr. Pierre Arseneau (Coordinator, Montréal, United Steelworkers):** Thank you, Madam Chair. Good afternoon, everyone.

My name is Pierre Arseneau, and I am the United Steelworkers area coordinator for our Montreal regional office. We want to thank the Standing Committee on Transport, Infrastructure and Communities for giving the United Steelworkers union an opportunity to discuss rail safety.

Among the United Steelworkers members are a dozen companies in Quebec, including Central Maine & Quebec, or CMQ—which used to be called Montreal, Maine & Atlantic, or MMA—the Canadian National, the Canadian Pacific, as well as Quebec North Shore & Labrador.

During our brief presentation before the committee today, we will review most of the elements we already presented to you in January 2014. We will add some new observations and recommendations.

We want to focus on the following aspects: the condition of MMA's railroads, cars and locomotives at the time; operation of trains by a single engineer; identification of merchandise in the cars; teams of first respondents and emergency measures; and the relationship between the Transportation Safety Board and Transport Canada in the maintenance of rail safety.

We were MMA's main union. In our presentation, we will come back to the Lac-Mégantic tragedy several times.

We want to begin by reminding you of the key events of the night between Saturday, July 5, and Sunday, July 6, 2014. At 11 p.m., the MMA train stopped in Nantes. At 11:50 p.m., a fire on board a locomotive was reported. At midnight, the fire was brought under control and the locomotive's engine was shut down by the fire department. Around 1 a.m., the train started hurtling down the hill between Nantes and downtown Lac-Mégantic. Around 1:14 a.m., the train was derailed at a curve in the middle of downtown Lac-Mégantic, killing 47 people.

The first aspect we looked into is the creation of an emergency team qualified to deal with incidents. We at United Steelworkers feel that the Lac-Mégantic accident would not have happened had a small railway company like MMA followed rules that were as strict as those imposed and followed by the country's two largest railway companies—Canadian National and Canadian Pacific.

We believe that, in the case of a major incident or urgent mechanical issues, any railway company, regardless of its size, must at all times have qualified and trained individuals capable of getting to the site within a reasonable time frame. Those individuals must ensure to secure any train before leaving the scene of the incident or mechanical failure. They must also review the procedure followed by all stakeholders before they arrive in order to ensure that their interventions have not given rise to any new problems.

Based on those considerations, United Steelworkers would like to recommend that Canadian railway companies be required, in all circumstances and regardless of their size, to have an emergency team consisting of qualified and trained employees capable of responding to any major incident or urgent mechanical issue within a reasonable time frame.

I will now talk about teams of first respondents and emergency measures.

Increasing amounts of dangerous goods are passing through our cities and towns. Information sharing must be improved to ensure the safety of Canadians. Transparency of information for first respondents is the best guarantee of safety a railway company can give to the communities it is passing through. It is important for mayors, fire departments, police services and paramedics, as well as community health services, to know what dangerous goods, security issues and procedural rules they are dealing with.

In light of these considerations, United Steelworkers would like to make the following recommendation. First respondents must be informed of any dangerous goods passing through their territory and of procedures to follow in the case of fire by all Canadian railway companies regarding all activities in Canada. They must be adequately trained to intervene effectively when railway disasters occur.

An intervention protocol must be established between fire departments, the municipalities involved and the railway companies, which are now required to have an emergency team available at all times. Finally, those companies must publish for the first respondents involved an intervention procedure based on various potential scenarios.

I will now move on to the condition of CMQ's railways, cars and locomotives.

In a number of regions where MMA had rail lines, the media and the public reported several security deficiencies over time, both well before and after the Lac-Mégantic incident.

• (1535)

So we learned that a number of incidents have been reported, including bolts coming out of rails, railway lines often being crooked or poorly aligned, locomotives often catching fire, and buses and other vehicles occasionally having difficulty crossing railways—which themselves cross public roads—owing to poor equipment maintenance.

However, it should be noted that, since the Nantes and Lac-Mégantic incidents, Central Maine & Quebec, realizing how bad the condition of the network it inherited from MMA was, has invested about \$21 million in the network's maintenance and modernization. In addition, other aspects have helped improve the situation, such as the prohibition on having only one engineer per train when dangerous goods are involved. Moreover, there seem to be more Transport Canada inspectors to carry out inspections of cars and their dangerous goods.

We have nevertheless kept recommendations 3 and 4, whereby companies wishing to do business in Canada in railway transportation should be subject to more rigorous checks than are currently being done on their background, financial solvency, business solvency and reputation before being granted an operating license.

Here is the fourth recommendation: "Equipment, railway, locomotive and car inspections should be more numerous and rigorous than they currently are."

Let's now discuss one-person train operation.

The United Steelworkers union feels and has always felt that one-person train operation is very unsafe. In 2012, before the Nantes and Lac-Mégantic incidents, Transport Canada must have been aware of the safety issues involved in that kind of operation.

The Transportation Safety Board of Canada had already covered that issue and issued clear recommendations. In 1996, the TSB published investigation report No. R96Q0050. In 2009, it published investigation report No. R09T0057 on the same issue.

Had the federal government considered the report in 2009 and applied the recommendations issued by the TSB, an operating license for trains with a single engineer on board would not have been issued to MMA, and the Nantes and Lac-Mégantic tragedy would have been avoided.

As we previously wrote, one-person train operation is now prohibited when dangerous goods are on board. That is a step forward applauded by United Steelworkers. However, we are maintaining our recommendation to prohibit that practice in all circumstances. In fact, Canadians are not immune to a potential accident between a train containing dangerous goods and another one being operated by a single engineer.

Based on those considerations, United Steelworkers would like to make the following recommendation: Transport Canada should not allow trains to operate with a single train engineer onboard, in all circumstances, in order to better serve and protect the workers of those companies, as well as Canadians.

Let's move on to the identification of goods in the cars.

The United Steelworkers' members, like various Canadian communities, must know what dangerous goods they are working with. Those in charge of the communities through which trains carrying dangerous goods are passing are not always informed of that or are not informed on time or in an appropriate manner. In some cases, they also don't have the appropriate training to process the information they receive from railway companies to the benefit of their community or their administration.

In light of those considerations, United Steelworkers would like to make the following recommendations: Canadian regulations on the oversight and safety of trains carrying dangerous goods should be tightened; each car carrying dangerous goods should be identified; and information on those goods should be provided to the relevant authorities and the first respondents in the municipalities served or crossed by a railway line.

Let's now talk about the role of the Transportation Safety Board of Canada, or TSB.

According to United Steelworkers, Transport Canada must quickly address the recommendations the TSB issued after the Lac-Mégantic accident. A number of elements from the TSB's report are in line with the recommendations we provided in the wake of the incident. We encourage the Government of Canada and Transport Canada to focus on the safety of Canadians by taking into account the TSB's recommendations.

• (1540)

As for recommendation 8, the union....

[English]

**The Chair:** Mr. Arseneau, my apologies, your 10 minutes is up.

Possibly with some of the other comments you want to make, you can use them in response to some of the committee members' questions, and we can move on from there. We also have them in writing, but just don't have them fully translated for the committee. We will ensure that everyone has all of your speaking notes in both official languages.

Thank you, Mr. Arseneau.

We will now commence with the panel.

We should start with Teamsters Canada.

**Mr. Phil Benson (Lobbyist, Teamsters Canada):** Thank you, Madam Chair.

My name is Phil Benson. I'm a lobbyist with Teamsters Canada, and with me today is Don Ashley, national legislative director for the Teamsters Canada Rail Conference, TCRC.

With our maintenance of way division, the Teamsters represent about 65% of rail labour, and almost all of the running trades.

Safety management systems, SMS, are nothing more than corporate best practice. Every company should have one. There was no need to incorporate safety management systems into legislation, other than to deregulate a sector and provide self-governance and self-regulation to corporations. Studies and committee reviews of rail safety in 2009 and 2010 were driven by a Transport Canada study of rail safety management systems.

When they actually inspected rail equipment and track, it was discovered the information provided by companies and the resulting Transport Canada audits were pure fiction. That led to the 2011 amendments to the Rail Safety Act, which changed the SMS provisions. We do not know if the amendments will make any difference; we assume that the companies did not want the changes, as no action was taken to implement the amendments until after the Lac-Mégantic disaster forced the government's hand.

At the end of the last Parliament, Bill C-52 further amended the Rail Safety Act, giving the minister the power to order companies to make corrective measures to their SMS and also to remove the requirement that fatigue management must follow science. Given that the minister's corrective powers show the lack of faith the past government had in the SMS regime, can we say that even the Conservatives had doubts about corporate intentions?

The government has allocated \$143 million in this budget to enhance rail safety, including strengthening oversight and enforcement. Added to the monies expended by the last government, we're approaching \$175 million in taxpayers' money to shore up—from what you've heard from previous witnesses—an existing strong, safe regulatory scheme. If the Rail Safety Act were amended post-Lac-Mégantic, it would not look like the act we have in place today. We recommend you review that act and review it soon.

We were puzzled when Bill C-52 removed the requirement that fatigue management must follow science. We were told that it was to overcome problems in drafting regulations, and that it would be and is part of the regulations. First, the 2011 act was passed unanimously by voice vote in the House and the Senate, where all discussion was focused on fatigue.

At the time the act was passed, we were informed that the justice department demanded the definition of science within the act to ensure that regulations could be created to fulfill the wishes of Parliament. In our opinion, companies didn't like the fact that Parliament wanted fatigue dealt with based on science-based evidence. Thank goodness we now have a government that demands it in rule-making.

The Hinton disaster led to what are by today's knowledge weak control over work hours, leaving the rest to collective bargaining. For over six decades, through the application of back-to-work legislation, Parliament violated the constitutional rights of railway workers to collectively bargain to strike.

Collective bargaining will not be normalized, and it will be impossible for hours of work to be adequately dealt with through the bargaining process, unless charter rights are protected. Hours of work are set by regulation in trucking and air and should never be left to collective bargaining in the first place: fix it for rail.

I've given you a little chart that highlights the monthly rest rule violations. These are the collective bargaining violations by one company over a three-year period. I think the current tally is 5,000. Why? When you leave it to a company, collective bargaining in this becomes a cost of doing business and has no place in setting regulations that provide health and safety to workers and safety to the public.

Fatigue science is clear: long hours of work and fatigue lead to disease and cognitive damage. Transport Canada's mandate is to ensure an efficient transportation system, protect public safety, and to make companies money. Labour Canada would not permit the long hours TCR members work because it is a health issue. Transport Canada cannot look at the damage caused to health in dealing with fatigue science because it is not in their mandate. Science-based rule-making demands that the silo approach of departments ends.

We recommend, first, that Labour Canada takes the lead when Transport Canada deals with hours of work and fatigue in rail and all transportation sectors. At a minimum, Labour Canada must be at the table and the health of workers must be part of the science-based rule-making process in Transport Canada. Second, the Rail Safety Act should be amended to give Transport Canada the power to set hours of work, as is the case in other sectors.

The minister does have the power to change those basic rules now. This is more in the reference of safety management systems, which Mr. Ashley will deal with.

● (1545)

Also, we recommend that a joint study be undertaken by Health Canada, Labour Canada, and Transport Canada to assess the health costs of fatigue in the transportation and publicly funded health care sectors and of the social costs to transportation workers, their families, and society.

Brother Ashley.

**Mr. Don Ashley (National Legislative Director, Teamsters Canada Rail Conference, Teamsters Canada):** Thank you.

I've provided a brief in your documents on remote-controlled locomotive operations, which I'll leave with you. I'm just going to talk a little about fatigue, to go on to what Phil said.

Fatigue is a huge problem in our industry for our members. Everybody talks about and looks at time off after work. That's not the big issue. The big issue is that 80% of our members work on call, so it's about knowing when they're going to get called to work. They could have 20 hours off, expecting a call to go to work and not get a call for 12 hours after that. It's hard to balance to be fit and rested to perform your duties when you're called to go to work.

You're working a normal office job. You go to work, you come home, you have your dinner, and you go to bed. You rest in order to go to work in the morning because you know that you're going to work in the morning. Well, you come off a train and are tired and go to bed. You wake up expecting a call to work. That train doesn't show up; it gets set back and it gets set back. Now you're into the next evening when everybody else is expecting to go to bed and you're getting called to go on a train for 12 hours. The issue is scheduling.

We were a little excited when the first draft of the SMS regulations showed up in the *Gazette* I. It said that the railways would provide a process to schedule employees in these crafts, and it listed the operating crafts. We didn't comment on it, because we thought it was good. Then, somewhere between *Gazette* I and *Gazette* II, that changed. When *Gazette* II came out, it said that when scheduling these employees who work these hours, you will apply the principles of fatigue science. "When scheduling" means the railway has no intention of scheduling these people, so they don't have to apply the regulation. They don't want people they can't just call at their beck and will, which would disrupt operations. They want to be able to run their train whenever they want to run their train, with the minimal amount of management. That's what creates the fatigue issue.

It shouldn't be left to us to correct at collective bargaining. It's a safety issue. Nothing should be on the table at collective bargaining that's a safety issue. Sure, you can try to enhance what's there, but safety issues need to be dealt with in regulation.

I was part of the working group on fatigue, as was Brian, with the advisory council on rail safety. The last time we met was a year ago March. The committee hasn't met since then. We were told by Transport Canada at that time that they were dissolving the working

group because it wasn't making any more progress. We were trying to get things done, and the railways were just content to stall the process because they didn't want change. Transport realized it was going nowhere, so they said they were dissolving the working group

● (1550)

**The Chair:** You have one minute left.

**Mr. Don Ashley:** —and that they, as Transport, were going to write the rule. That was a year ago in March, and we haven't heard anything since. It's still a huge issue in the industry.

We're not happy with the SMS regulation the way it is. We're not happy with the work/rest rule. It's not adequate. We need that changed.

As far as RCLS or remote-controlled locomotive operations are concerned, I don't have enough time to address them. You have my brief, and I can answer any questions regarding that.

**The Chair:** Thank you very much, Mr. Ashley.

Mr. Dias, do you wish to go forward now?

**Mr. Jerry Dias (National President, Unifor):** Certainly. Thank you to all the members of the committee for inviting Unifor to discuss our union's perspective on the future of rail safety in Canada as it relates to remote-controlled devices, fatigue management, and safety management systems.

I am Jerry Dias. I'm the national president of Unifor, and with me today is Brian Stevens. He's our national rail director.

We represent close to 85,000 members who work in the federal sector in air, marine, road, telco. And for the purposes of this committee, just over 12,000 of our members work in the rail sector.

The bulk of our rail membership is involved in performing safety and maintenance inspections and repairs of all passenger and freight cars as well as locomotives in the class 1 railways, VIA Rail, and a number of regional carriers.

We also represent 65 locomotive engineers and conductors at CN Savage Alberta Railway, and another 40 at TTR, working in the Lower Mainland and the Port of Vancouver. Additionally, you will find that our members work in yard offices and crew call centres at CN, and in serving the travelling public at VIA Rail. We are clearly stakeholders in the future of rail safety.

Turning to remote control locomotive systems, our locomotive engineer members at both Savage Alberta Railway and at TTR do not at present conduct switching operations with RCLS. However, a large number of our members work in those very same rail yards where RCLS locomotives are operating, and we are concerned about the present and expanding use of this technology.

Our members working in rail yards and sidings rely on the positive protection of lockout, which is a personal lock applied to a switch at both ends of the track our members are working on, or under rail cars or locomotives. This protection has long been entrenched in our rail agreements and is most often referred to as the blue flag rule, which has three components. Number one is a blue flag or light to indicate to the locomotive engineer or conductor that mechanical employees are working around the tracks. Second, the switch is aligned in the opposite direction; and third, a personal lock is applied to prevent unintentional movement onto the track where our members are working.

Today the class 1 railways are in a quest to increase velocity and reduce roll time. The railways are suggesting that our members can simply rely on the administrative measures provided by a rail traffic controller advising the RCLS crew that our mechanical department employees are working on certain tracks.

Without clear lines of sight, the RCLS-operated locomotives present a greater hazard to our members working in between or under rail cars. When a locomotive engineer is at the operating stand, he or she can see that the switch is lined away or that a blue flag is erected between the tracks. The operator of the RCLS is not at all times in the same position as he or she would be when they are at the control stand.

For our members working in rail yards and sidings, blue flag and lockout is positive protection. It is our only protection. Administrative measures are not fail-safe, and the hazards grow significantly with the introduction and expansion of RCLS. SMS risk assessments do not eliminate any hazards; our members remain exposed.

The railway will present to you that they are required to and will conduct risk assessments when their operations change or there is an introduction of technology, such as RCLS.

To be clear, our members are covered by the Canada Labour Code and its OH and S regulations. SMS is, in our view, just another administrative measure that is not designed to protect workers. It is designed to allow corporations to maximize their profits in light of the workplace risks. What is worrisome is the increasing reliance and belief by the industry that risk assessments and risk control processes are reliable and protect workers. In our view, SMS risk assessments are nothing more than a lens that corporations are forced to look through when they are contemplating changes to their operations.

The industry also operates on the premise that SMS risk assessment is an appropriate substitute for occupational health and safety hierarchy of controls, section 19.5 of the regulations. It is not. To be clear, the occupational health and safety approach is much different in that it is anchored on hazard elimination. It is about prevention.

Regarding fatigue management, our members for the most part work on a schedule that falls in line with part III of the Canada

Labour Code. That is not to say that our members do not on occasion experience fatigue—for instance, when working on a derailment site or when operational changes have them working multiple shifts. The reality is that for our members working under part III of the Canada Labour Code, the tours of duty are prescribed, and there is both an internal enforcement mechanism—the collective agreement—and an external enforcement mechanism—the labour code—to protect the health and safety of the worker.

• (1555)

For our members working in the cabs of locomotives, much like our sisters and brothers in the Teamsters, Transport Canada is the overseer of fatigue management. As this committee well knows, yet another working group has failed to develop regulations that would protect the health and safety of this group of workers.

Safe railway operations must mean just that, safe. Recognizing hazards and eliminating hazards must be first and foremost, not introducing technology such as RCLS and developing administrative measures as a way to operate with the risks.

We would be happy to take your questions and thank you for your time.

**The Chair:** Thank you very much.

Mr. Stevens, did you have anything to add? Okay.

Ms. Collins, please. You have 10 minutes.

**Ms. Christine Collins (National President, Union of Canadian Transportation Employees):** Thank you.

With me today is Michael Teeter, who is my adviser.

The Union of Canadian Transportation Employees is the national union representing most of the inspectors and employees at Transport Canada, the Canadian Coast Guard, the Transportation Safety Board, the Canadian Transportation Agency, and many of Canada's airport authorities.

I am very pleased to be invited back before this committee on the very important subject of rail safety. We should never underestimate the effect of the tragedy of Lac-Mégantic on Transport Canada, the inspectors, and the managers.

The department has worked diligently to correct the deficiencies this terrible tragedy brought to the forefront. The government's response to this committee's final report highlights these efforts.

Under the direction of the previous government, one of the things that management did was to attempt to address the challenges of inspector hiring. Modal safety divisions hired above budget to address skill shortages and the significant number of retirements expected.

Inspectors take years to train and many of them come to Transport Canada from industry in the later stages of their working lives. They are hard to hire because they need extensive skills and qualifications. They are hard to attract because wages in the private sector are often now better than in government.

We were dismayed to see the new government cut back Transport Canada's budget by 21%, while increasing its deficits by \$25 billion. That, combined with the staffing challenges for technical inspectors that focus on soft skills such as communication, rather than the technical expertise, the option of competing with private sector to attract the best has been negatively impacted.

Additionally, these cuts are putting Transport Canada in the terrible situation of cutting back critically important transportation safety functions, such as the number or types of inspections and the inspectors. If the Government of Canada does not provide effective transportation safety oversight, then what does the federal government do?

Our concern is that these budget cuts potentially sacrifice Transport Canada's mandate, which is to provide the safety and security of the travelling public. We need more rail, aviation, marine, dangerous goods, and road safety inspectors, not fewer.

My only conclusion is that this government has the confidence to cut inspections and inspectors because it believes that safety management systems will be sufficient to correct the deficiencies. Unfortunately, we know that the MMA Railway had an SMS program. The result was that 42 people were killed, and the three employees who were following MMA procedures are the ones who are criminally charged.

SMS is not the answer to the problems at Lac-Mégantic. Better inspections, regulations, organizational structures, and whistle-blower protections are.

For years UCTE has been trying to convince Transport Canada to adopt effective whistle-blower protections to separate inspectors from SMS auditors and to create multimodal enforcement teams. They are listening, but it is very slow going and there is so much more that needs to be done at Transport Canada, including the following.

More inspectors are required, as well as a guarantee of investment in appropriate inspector training to maintain skill levels. For too long railways have taken for granted that the lobbying clout can supersede the will of a Transport Canada inspector. This should never be the case.

Inspectors and auditors at Transport Canada need ministerial authorizations with the complete backing of managers at all levels and the minister. This new approach, attitude, and confidence in the inspectorate community should be communicated immediately and the appropriate ministerial authorizations in all the safety statutes need to be addressed and emphasized.

SMS paper audits can never be a substitute for direct and unannounced inspections by teams of inspectors and SMS auditors. Multidisciplinary teams should include transportation of dangerous goods inspectors where railways are carrying hazardous products.

● (1600)

The language and structure at Transport Canada should be simplified. There are too many ways to define both SMS and inspections. There should be only two effective oversight terms: inspection and SMS audit. There should be separate teams of inspectors and auditors for each. SMS can never be whatever a railway company wants to define it as. SMS definitions and regulations must be clear and unambiguous in simple, easy-to-understand language.

There needs to be one accountable government executive by mode. There are too many executives and too much overlap between the regional structures and Ottawa oversight of transport.

I am happy and we take credit for the whistle-blower protections that were built into the recently revised Railway Safety Act. We believe there could be better communication to all transportation company employees about the whistle-blower protections and the means and methodologies to deploy these protections. Confusion exists since Transport Canada and the Transportation Safety Board present different whistle-blower options. Perhaps there could be a rationalization and a better communication to both the public and the industry about the whistle-blower procedures, as well as the protections afforded by those procedures.

Transport Canada needs to incorporate better use of technology for inspectors to do its oversight work more effectively. For example, regulations could be put in place to force carriers and shippers to place real-time monitoring systems on railcars containing certain classes of dangerous goods.

The fact is that railways carrying railcars with dangerous goods run through major urban centres and towns across Canada. The public, municipal leaders, and first responders are demanding real-time information on the types of goods that are flowing through their communities. It is time to tell the shippers and the railway companies that they have to disclose in real time. It may be possible to build in some commercial protections, but there is no way in this day and age that these kinds of disclosures can be withheld any longer from the people who are most affected.

In closing, I can tell you that our inspector and investigator members at Transport Canada and the Transportation Safety Board are among the most public-minded, committed, and professional people I know. They are always trying to do their best; they work hard to acquire new skills and training; they know they have jobs with deep responsibilities, and they discharge these duties with great passion and commitment. We need to nurture these incredibly important people and find ways to help them work smarter, better, and more effectively.

I think that many of these recommendations will go some way to help them achieve these goals. Most important, you as legislators and government leaders need to have confidence in them and the managers they report to. These are tough jobs that the federal government has the constitutional mandate to do, and to do well. Your support is critical.

Thank you again for the invitation to appear before you. Please know that I am always willing to answer any questions you may have, either now or at any other time.

●(1605)

**The Chair:** Thank you very much, Ms. Collins.

Mr. Teeter, do you have anything to add?

We will go into the question-and-answer portion of our committee. We are starting with Mr. Berthold, for six minutes.

[Translation]

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Thank you very much, Madam Chair.

I want to thank all the witnesses for joining us today. I will not refer to you one by one, but I'm very happy that you are here to answer our questions. I will quickly introduce myself.

I am the member of Parliament for Mégantic—L'Érable. So, every week, I come in contact with people from Lac-Mégantic who experienced the tragedy you have all mentioned in your presentations. According to a saying in the navy, every new regulation brings the death of a sailor. We have a lot of work to do on railway regulations to restore Canadians' confidence in the railway transportation system, which is of key importance for our country, for all the regions of Quebec and for the town of Lac-Mégantic. We absolutely need a reliable railway transportation system people have confidence in.

You brought up several elements that lead me to ask a few questions. Ms. Collins, you mentioned that 42 people died, but for the sake of the report and the committee, I would like to clarify that 47 individuals died in the tragedy. I think it's important not to forget anyone. I really wanted to bring that up. Everyone deserves to be remembered.

Ms. Collins, you said that, since the Lac-Mégantic tragedy, efforts have been made to recruit inspectors, but that doing so is difficult. I think this is important because confidence greatly depends on the number of inspectors. Do you feel that the government is currently deploying all the necessary resources to hire enough inspectors to do the work?

●(1610)

[English]

**Ms. Christine Collins:** The answer to that would be emphatically no. While they went on hiring and attempting to hire, the money was not associated with it. While the department was told by the former Minister of Transport that it needed to add inspectors, there were no monies that came with that. As a result, Transport Canada is in a deficit position for salaries. They cannot hire anyone at this point. They have a mandate to go down to what their salary dollar is. You will not see any new inspectors hired, and with those retiring, it's very concerning. As well, the salaries in the federal government for the inspectors make it so they can't compete with industry any longer.

[Translation]

**Mr. Luc Berthold:** As for the estimates, you did mention that there was a 21% cut, but the current budget would allocate \$143 million to railway safety. We are somewhat in the dark, as we don't know where exactly that money will be spent. Part of the funding will be used to improve grade crossings.

Are there any discussions at Transport Canada about adding more inspectors?

[English]

**Mr. Michael Teeter (Political Advisor, Union of Canadian Transportation Employees):** I'll take that one. In 2014-15 the budget of Transport Canada, in the estimates, was \$1.6 billion; in 2016-17, it's \$1.265 billion. There's been a reduction of \$339 million in the Transport Canada budget over two years. The \$143 million over three years is on top of this, but when you match the numbers up, they fall by \$339 million, and they're giving back \$143 million. That \$143 million is obviously targeted at rail safety. We're hoping that it does a lot, including hire more inspectors, but we have no assurance of that at this point. Inside the department they have a Treasury Board oversight process, and the department is having to find money in all corners of the department to meet the Treasury Board estimates, the \$339-million reduction, and a staffing freeze.

[Translation]

**Mr. Luc Berthold:** Since the Lac-Mégantic events, you have felt a change at Transport Canada in terms of rail safety. My question is for each of the unions.

What still needs to be done to ensure the safety of Canadians? The companies have become aware of the situation. Safety management systems and controls of railway safety culture within companies are more important. We see that people are more concerned about that. Some people are telling us that external inspectors should carry out verifications, which are currently handled by the companies themselves. There should be another system in addition to the inspections conducted by Transport Canada inspectors.

In short, there is really an issue in terms of trust. How can unions help resolve that issue?

Mr. Benson, you seem to want to say something on the topic.

[English]

**Mr. Phil Benson:** As I noted in my presentation, the reason we got to the 2011 amendments is that Transport Canada inspected the SMS audits and found out that they were an absolute farce and joke. That's what cut it off. What are we doing today? We're hiring auditors to audit new SMSs and not hiring any inspectors. When they talk about whistle-blowing, there was one key component in that act, buried in SMS where it shouldn't be, that said there's supposed to be a 1-800 number for workers to call Transport Canada rail safety to make complaints directly. We've been waiting five years to set up a 1-800 number. We on the track could let the rail inspectors know where to go if we had the 1-800 number that's provided by Parliament. It's always half measures, half measures, half measures. This union, and our union people we represent, are sick and tired of half measures. As Mr. Sikand said the last time about fatigue, fix it. It's been 15 years that I've been coming here. I'm getting tired of coming here. Fix it. We all know it's a problem. Fix it.

•(1615)

**The Chair:** Mr. Berthold, it went over a minute, just so that you know. I said I would be generous with the time, as I'm trying to get important issues out here.

Mr. Hardie for six minutes, please.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** Thank you, Madam Chair, and greetings to all of you.

By way of background, my family was a railroading family. My grandfather was the conductor on the passenger rail service from Edmonton to Dawson Creek for many years, and my dad worked on that railway and the CN. I remember conversations at the kitchen table about the lack of wisdom of getting rid of the firemen, because they were going to keep an eye on the other side of the train.

When we think of safety and technological changes, we have to remember that the human element still makes a huge difference in how the operations run, especially how safely they run.

Mr. Benson, you say that one of the problems we have with fatigue is that the rules allow individual workers to front-end-load their work on their schedule, to stack up a bunch of shifts in a row, so they can get a whole bunch of time off afterwards. Is that your reading of the situation?

**Mr. Phil Benson:** I'd say that's absolutely incorrect. One of the issues Brother Dias raised is that we have a Canada Labour Code for "you can't do it", and one where "you can". Brother Ashley can correct me on this, but every round of bargaining I've been involved with over the last 15 years has dealt with the same issues: how to get fatigue dealt with, how to get a rational work life, and how to have some time at home. It's not about packing hours in so we can go home.

Just so you know, from both road and from air, the regulatory rules are set up to guarantee that this can't happen. That kind of approach of shifting the burden on the workers is not correct. It's not what the workers want.

**Mr. Ken Hardie:** It isn't a matter of faults, sir. It was a matter of asking, does it happen?

**Mr. Don Ashley:** I can't say that it doesn't happen. In freight, they're all paid on a mileage-based system. Once you achieve a certain number of miles in a month, then you can book off. It's a pretty high number. It's like 4,000 miles, but once you achieve that, you can book off. So might somebody try to get a couple of days off at the end of the month by not taking a day off in the middle of the month? Yes, but they still have to comply with the work/rest rules the way they are now.

The problem in doing that is that they don't control when they're going to work, so they have to take their call when their call comes. If they stay good at the away-from-home terminal, they're still off for six or seven hours, but then they're right back at it to try to get in to get out again.

**Mr. Ken Hardie:** But if they've signalled that they'd rather have all their work at the head end of whatever time cycle is involved here, then they'll be making themselves available for work even if it is on an on-call basis.

Monsieur Arseneau, you heard Mr. Benson suggest that hours of work should be regulated by Transport Canada, similar to the rules that apply to airlines, and perhaps to a certain degree to truckers. Do you agree with this?

[Translation]

**Mr. Pierre Arseneau:** Yes.

Currently, most of those people are working 12 hours a day. Guidance also needs to be provided in that area. My intervention was much more focused on following up after the Lac-Mégantic tragedy, but I think that work hours should be controlled better. It is true that the control is extremely difficult to ensure when those individuals are on call.

[English]

**Mr. Ken Hardie:** I want to talk about the state of inspections by Transport Canada, not necessarily to Ms. Collins and Mr. Teeter, but to the others. I hate to ask whether there are sufficient inspections, but do you get the sense that there is activity on the ground, on the rail lines, by inspectors actually physically viewing what's going on?

•(1620)

**Mr. Brian Stevens (National Rail Director, Unifor):** Excuse me, it's Brian Stevens here. If I may, on this one—

[Translation]

**Mr. Pierre Arseneau:** Is the question for me?

[English]

**Mr. Ken Hardie:** No, it's not for you, Monsieur Arseneau.

**The Chair:** No, Mr. Arseneau. The question was directed to...

**Mr. Brian Stevens:** First off, one of the things that we're here advocating as well, as it's in line with the intent of the committee, is that we want the public to have confidence in safe railway transportation.

All of us are railroaders. We have more iron in our blood than what we could get from any kind of an injection because we're born on the railway, we've worked on the railway, and we continue to advocate on behalf of the railway.

When it comes to railway inspections, from the perspective of our group, the mechanical group, it's a hit and miss. Out in the field there are some inspectors or some sectors of the country where we have inspectors who will intervene based on calls we would make to the inspector provided we have the right car number, the right train number, the right location. That happens.

But in terms of what we might see in comparison, say, to the trucking industry in a provincial sector where they will shut down a section of highway, and every tractor trailer that comes by will get stopped and inspected, we don't see that.

The reason I suspect we don't see that, as Jerry commented earlier, is that it's about train velocity. The railway barons do not want you, or Transport Canada, or anybody else slowing their trains down. In fact, some of the CEOs are out there advocating that in order to make the railway safer, trains should be moving faster.

In terms of Transport Canada, we need to see more inspectors out there. We need to see them more as interventionists not as auditors because they play a key role in ensuring that the public has confidence in rail safety.

**The Chair:** Thank you very much, Mr. Stevens.

Mr. Hardie, I'm sorry but your time is up.

Ms. Duncan.

**Ms. Linda Duncan (Edmonton Strathcona, NDP):** I just want to thank each of you for your powerful interventions here. I couldn't have asked for more, and I want to thank you for your service towards Canadians by continuing to step forward and identify these same issues.

I am deeply troubled by your testimony. I look at the reviews that have gone on in the past. I look at the fatigue management review that finally was kickstarted in 2007. I'm appalled that a government would think a serious issue like fatigue management and public safety should be negotiated. Of course, then there was an agreement, and then nothing happened.

I have a question I would like to put to each of you. Frankly, I have to say as a former chief of enforcement for Environment Canada that it is a delight to hear the testimony of actual field enforcement staff. It's very rare that we actually get you to come to the table of the parliamentary committees, and it's really fantastic.

I am hearing between the lines from each one of you, and in the briefs you have been presenting over the years, over two decades, that the SMS self-regulation system put in place by the former Liberal government is not working towards public safety. I'm hearing each one of you calling for greater government intervention, more field inspections, more powers to our rail enforcers, and more protections for our rail workers and for the communities your trains go through.

I would like to hear from each one of you whether or not you think it's time to get serious about regulating this industrial sector again.

**Mr. Don Ashley:** I think given the industry today and looking back on history in the railway industry, I don't think we're at a point where we can just trust. I think there has to be follow-up.

SMS is trust. Right? I write a document and say that this is what I'm going to do, and I give it to you, and you review it and say, "That's good. You're going to do all this stuff." That's provided that I'm actually going to do that. Right?

We're not at a point where we're at that trust area, and we can't be at that trust area when I'm hauling 100 cars of propane through your community of 100,000 citizens. We just can't have that blind faith. We need regulations.

• (1625)

**Mr. Brian Stevens:** I wholeheartedly agree. Both Don and I spend a lot of time responding to exemptions from rules. Currently now the mechanism in the industry is that the railways write the rules. As someone whispered in my ear, Colonel Sanders is keeping an eye on the chickens.

The railways are writing the rules. Then they get the rules approved by Transport and the minister. Then what do they do? The first thing they do is that they come around and run the rules, and then they ask for an exemption from the rules. Can you believe that?

It's like saying we're going to have a speed limit on Highway 417 of 100 kilometres an hour, but some people can go to the police station and say, "Listen, I got me a brand new vehicle. I think I can do 120. Can you give me an exemption so that when I get stopped, I can say that I can ignore the rules."

Don and I spend an awful lot of time responding to exemptions from rules that are designed to ensure, first, that railways are operating safely and, second, that they are in the public interest. We continuously respond to those, and for the most part, whatever the railways want, it seems they get.

**Ms. Linda Duncan:** Ms. Collins.

**Ms. Christine Collins:** We support SMS as an additional layer. There can never be too much safety consciousness.

However, the problem is, it's not an additional layer; it's become a replacement layer. I can tell you here that there will rarely be unannounced inspections. Whether it's rail or whether it's aviation, unannounced inspections, which are necessary for the safety and security of the travelling public, are non-existent. Regular inspections are really on the downslope, and it is because of the SMS audits. An audit should never be confused with an inspection, but there is mass confusion out there that an auditor, who is not the same classification or the same type of position as an inspector, checks the boxes off of a company's SMS and it's the same as an inspection. It is not. SMS should be an additional layer but it's become a replacement layer, and that is so, so wrong. It's not just in rail; it's as huge a problem, if not more, in aviation.

**Ms. Linda Duncan:** One more minute.

Mr. Arseneau.

[Translation]

**Mr. Pierre Arseneau:** For us, it is clear that deregulation in the railway industry is not an option. Companies cannot deregulate themselves without creating a real risk for Canadians.

I will take a few seconds to read an excerpt from a report published by the Transportation Safety Board of Canada, TSB, after the Lac-Mégantic accident. It found that small companies were not providing the required training. The report states the following:

12. Montreal, Maine & Atlantic Railway did not provide effective training or oversight to ensure that crews understood and complied with rules governing train securement.

13. When making significant operational changes on its network, Montreal, Maine & Atlantic Railway did not thoroughly identify and manage the risks to ensure safe operations.

14. Montreal, Maine & Atlantic Railway safety management system was missing key processes, and others were not being effectively used. As a result, Montreal, Maine & Atlantic Railway did not have a fully functioning safety management system to effectively manage risks.

15. Montreal, Maine & Atlantic Railway's weak safety culture contributed to the continuation of unsafe conditions and unsafe practices, and compromised Montreal, Maine & Atlantic Railway's ability to effectively manage safety.

Deregulation was taking place. The small company wanted to limit its spending.

The TSB report published after the Lac-Mégantic events talks about the locomotive that caught fire in Nantes. It says that, a few days before, the locomotive was repaired in the United States hastily and using inappropriate equipment. They did not wait for the right equipment before getting it back on the tracks because they were in a hurry, the company was small and there was a spike in transportation.

We can definitely not trust that companies, at least the small ones, will self-regulate. First of all, as we have seen, they even allowed one engineer to operate....

[English]

**The Chair:** I'm sorry, Mr. Arseneau.

Hopefully you can get that last point. We are over time. I'm allowing everybody to have excess time because the issues are so important and the information is so helpful.

Mr. Fraser, you have six minutes.

**Mr. Sean Fraser (Central Nova, Lib.):** Thank you, Madam Chair.

Thank you very much to each of our witnesses. We very much appreciate your presence here today.

I want to touch a little more on the issue of fatigue management. I note that during a 2014 teamster survey, there were a couple of statistics that came out that I found quite shocking, to be honest. One of the stats that I've seen suggested that only 13% of their members were getting adequate sleep on working days. Another statistic indicated that nearly three quarters admitted at one point or another they'd actually fallen asleep on the job.

To build on Mr. Hardie's line of questioning before I get into a few of my own, I notice each of you called for deregulation and for not leaving things to the collective bargaining process when it came to fatigue management. When it came to the issue of potentially stacking days by workers to avoid any kind of overworking, are there specific regulations based on science you can point us to or recommendations you can point us to that would form the basis of regulations?

Mr. Benson.

• (1630)

**Mr. Phil Benson:** Whether it's air, road, or rail, there are always going to be some members who want to get their hours in. I know that when we did the roads—because I helped to do that—I took a lot of heat from members who felt they were safe.

Part of regulation is to ensure they are safe and, as a union's job, we can't agree to anything that isn't safe. When you have regulations that would permit that to occur, it's not a failure of the worker: it's a failure of the regulations. It's also the failure of a company who would take advantage of it and knowingly allow a worker to work too long.

So the answer is yes. You just have to look at the trucking regs and the hours of service. You can look at the new pilot regs. You will see the aspects of it.

I'll give you the simplest way possible. This doesn't deal with all fatigue science, but it's a very simple way to look at it. Look at how many hours somebody is tied up in their job. Take 10 to 12 hours to get 8 hours' rest. If it adds up to more than 24 hours, you have a violation of fatigue science. In these cases where the workers are waiting a long time to get out and are working 12 hours, they're effectively doing 16-, 18- and 20-hour days. Tack on 10 hours' sleep, and it's a violation.

In no other industry is that required. I will tell you that in trucking they wanted to go to 18 hours. If you look at that study, you'll find that the sleep scientists who looked at it said that in good conscience not only was it bad for public safety, but it was also terrible for the health of these workers. They would not permit it; hence, the reason we're asking for a study, because that's exactly what's happening. These workers are going to work and causing a great deal of damage to their own bodies over time with various diseases. It's a cost to health care that companies are allowed to make a profit from.

The answer, if workers do this, is that you need to have regulations in place to stop it. That is something that came up in trucking and that came up in air, and we all have to be strong and tell people, "No, you can't do it."

**Mr. Sean Fraser:** I want to shift the conversation towards some other practices by railway companies where you might think it would be beneficial to have them more regulated. One of the witnesses—I can't recall who—mentioned that there's a practice in the industry of putting an employee on call, when they may not know when they actually need to come to work—

Thank you. I'm being pointed at the correct witness.

Mr. Ashley, could you perhaps elaborate on what kind of regulation you could see ending that practice or on other dangerous practices that you think are deserving of regulation?

**Mr. Don Ashley:** Sure. We've looked at different avenues such as time pools, where the on-call employee protects a certain window of time each day. Instead of having 10 employees on a board waiting to go to work, you have them split up into three groups of three employees who protect a certain time.

You know that if you're rested for eight o'clock in the morning, you have to protect for a call between eight o'clock and, say, two o'clock in the afternoon, and then you're not expected to protect a call in the next period. Somebody else is. That way, it reduces the fact of your getting fatigued again waiting to go to work. There are all these examples out there of time pools or scheduling assignments that address that issue of anticipation, but they've all been removed from....

**Mr. Phil Benson:** I have a comment. You know when you're waiting for a plane and they say they're changing the crew? That's because they have time pools. They have people waiting. There's a little window of opportunity in which they can call you to work. After that, the ability they have to call you to work diminishes, and it diminishes to zero. You know that if you're supposed to be ready for eight in the morning by their rules, and that if by noon you're not getting called out, you're not getting called out that day. You're getting called out tomorrow.

They have no problem with doing this in the air world. It's a very simple computer program. There's no reason why they can't do it in the rail world as well if parliamentarians here stand up and say, "Fix it and do it."

• (1635)

**Mr. Sean Fraser:** Madam Chair, how are we doing for time?

**The Chair:** You have 30 seconds.

**Mr. Sean Fraser:** Perhaps I'll waive my remaining 30 seconds and pass it on to the next member.

**The Chair:** Mr. Sikand.

**Mr. Gagan Sikand (Mississauga—Streetsville, Lib.):** Firstly, thank you for being here.

The matter of a 1-800 number for whistle-blowers was raised. If I'm not mistaken, I heard you have been waiting for this for five years. I wasn't part of the previous government, so could I first get some greater context around this, please?

**Mr. Phil Benson:** During the discussions when we worked with all the members on the last bill, whistle-blower protection was very important. There's a problem in the rail industry, in that their method of discipline is basically to fire someone. So whatever methods they have of reporting to a company just weren't going to get dealt with.

Secondly, there is a line to the TSB, but that's a waste of time, with all respect to the TSB, because they're just going to phone rail safety in Transport Canada. So what we proposed, which was accepted by and put forward by Minister Jean at the time of the PS and accepted unanimously by everyone in the House, was that we would have this 1-800 number so that our members could be the eyes and ears for the inspectors and call directly to rail safety to say there is a problem at 100 mile on this particular spot. Instead of having it separated for Transport Canada to provide it, they buried it in the safety management systems of a corporation to do.

So quite bluntly, it was 2011, 2012, 2013, 2014, 2015, and 2016, and all this required was setting up a 1-800 number and telling our members that this is the phone call. It ain't going to happen because it's buried in the safety management system that a corporation controls.

When you talk about reviewing the act, these are all the little things that were misplaced in the act. It was the best we could do at the time.

**Mr. Brian Stevens:** Just to supplement that point, there is the 1-800 number in terms of secure desk, and when a call is made it doesn't take long for the railway itself to find out—going to Phil's point—who made the call, because they know who's scheduled there and who was working and who was on the train, who was on the ground.

What we found very effective, and this is through working in consultation with and collaboratively with Transport Canada, is to have identified a couple of key people on each of our railways as are national coordinators. They are the keepers of the information who connect with each of the Transport Canada inspectors. So they validate the information before Transport Canada gets it so that they know it's worth a call or worth a trip to go out. It's been proven to be appropriate, for example, with some of the cars we've had in Lethbridge where there were some cracks on some grain cars that were being filled with caulking grease and painted over just to get the cars out....

Thankfully, through some confidence.... What it takes is trust, as I think someone talked about earlier. Our members have to have trust in Transport Canada and have to have trust in the whistle-blower protection. They, too, want to ensure that the railways are operating safely.

**Mr. Gagan Sikand:** How am I doing on time, Madam Chair?

**The Chair:** You've got three more minutes.

**Mr. Gagan Sikand:** Okay.

Could you also elaborate a little bit more on the protections for these whistle-blowers that we should put in place?

**Mr. Brian Stevens:** Currently now it's very much like the regulations, as we're in the hands of the railway. In terms of the protection, we really have to rely on the role that the union plays, if there there happens to be any retribution or retaliation. The nice thing is that typically the railways don't wait a couple of weeks if they figure they know who it is. They'll act quickly. So we're able to do something there.

**Mr. Phil Benson:** I think the language of the act regarding the 1-800 number to Transport rail had sufficient language, with non-disclosure, confidentiality, etc. But again most often, just so you know, at least for our other division, they call Transport Canada anyway. The leadership will call Transport Canada if there is a problem basically to protect the person giving them the information. At least we had confidence that Transport Canada would perhaps offer that level of protection that we do not feel we have with the companies.

• (1640)

**Ms. Christine Collins:** I just want to add that the biggest problem is the fear. If they don't have strong enough whistle-blower protection and it's not clear enough, they are afraid to come forward when they see things like shortcuts being taken, etc., because they know they're going to lose their job. Having a safe whistle-blower line is critical for the workers to have the confidence to report safety violations and other shortcuts that are being taken. Without it we will just continue the way we are.

**Mr. Gagan Sikand:** Thank you.

I have no follow-up.

**The Chair:** Okay.

Ms. Block.

**Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC):** I join my colleagues in welcoming all of you here today. I do appreciate the testimony you've given and I have a lot of questions that I don't think six minutes will quite cover, but we do know that when we talk about public safety embedded in that conversation is also the safety of the workers who work within the industry.

I do want to go back to the discussion around fatigue management, even though I also want to ask you questions about the use of remote-controlled devices.

Briefly, you mentioned the mileage-based system. How long has that system been in place?

**Mr. Don Ashley:** I would say probably the last 75 years. I have 31 years of service on the railway and it far predates me.

**Mrs. Kelly Block:** Why has this system persisted so long?

**Mr. Phil Benson:** Perhaps I can answer. If you look in isolation at rail, it looks different or unique, but it is really no different from long-distance trucks, pilots. It's sort of the standard unit, because it's a unit that is measurable for companies and for workers. It's not unique for rail, it's just a standard methodology that's used in the transportation industry.

It's not that the rails are unique, it's really the same.

**Mrs. Kelly Block:** Okay.

You have talked about regulations that have been put in place for truckers and for aviation and I'm wondering what have been the barriers to any sort of proposed different systems that might be used within the rail industry for how you schedule workers?

**Mr. Phil Benson:** The answer is really short: the companies don't want it.

Not only do the companies not want it, I will tell you that Lisa Raitt, who was the minister during the last meeting they're referring to, when they were trying to deal with these hours, there was a breakdown and the companies didn't want it. The previous minister, Minister Raitt, mandated Transport Canada to go ahead and do it, because she understood 16-hour, 18-hour and 20-hour days were just wrong. The minister has the power to change that. It doesn't affect all fatigue, but the minister has the power. Needless to say, we believe the companies didn't want it, and it didn't happen.

If you like, it requires this body to act.

**Mrs. Kelly Block:** So in October 2015, CP announced that it had, through negotiations with its 450 U.S. engineers, brought an end to a mileage-based wage system and replaced it with a more standard cycle with two consecutive days off with wages paid hourly.

Is this something that could be brought to Canada? Would this system satisfy concerns with fatigue management?

**Mr. Don Ashley:** No.

We looked at that system and there's a lot more to it than that. You come in for 12 hours, you have no idea where you are going, which way you are going, whereas right now our on-call people work a pool but they know where they're taking the train to and they know where the train is coming back from. Under that system it was just come in for 12 hours, we'll send you where we're going to send you, or we may not send you anywhere, then we'll put you up for rest for the appropriate amount of time and then you'll go back for 12 hours again.

That's not a system that we thought really addressed any of our needs here. They also have different hours-of-service rules in the United States, so that model was based on their hours-of-service regulations in the U.S. If we adopted a similar system here it may be a solution, but right now it's not.

• (1645)

**Mrs. Kelly Block:** I want to get to the remote-controlled devices, but that raises another question for me.

Does our rail industry here in Canada have conversations with the folks in the United States to look at best practices and see if there's any desire to...?

**Mr. Don Ashley:** As far as the industry goes, the two big railways here are both international so their companies are here and in the United States. As far as our perspective, yes we have counterparts there and we're associated with the organization in the States and we talk about things.

In fact, the regulators at Transport Canada and FRA talk about issues too. I don't think that's frequent enough, because there are things going on in the U.S. that are being ignored up here.

**Mrs. Kelly Block:** Okay.

I want to switch now to remote control devices. I wonder if you could describe for me the current use of remote control devices.

**Mr. Don Ashley:** It's not a new technology but has been around since the late nineties, early 2000s. It was initially brought in to use in yards in building up trains and in switching yards for what used to be hump operations. It's now flat switching. That's since expanded to outside of yards and to other yards for switching industries around yards, for which it was never designed. It was originally designed for flat switching in yards that build big freight trains. That's since expanded, and now it's expanding again. CP has announced that they're going to move it out to do all the road switchers and main line operations with it. That has a significant impact that we think is negative.

**The Chair:** Thank you very much, Ms. Block. I'm sorry, that's another minute over.

Mr. Badawey, for six minutes.

**Mr. Vance Badawey (Niagara Centre, Lib.):** Thank you, Madam Chair, and to the presenters, thank you as well for your time this afternoon.

I'm going to refer to the presentation by Phil Benson and the paragraph outlining how many taxpayer dollars have been expended to date. Over \$175 million in taxpayer monies has been spent to shore up, as other witnesses have said, an existing strong, safe regulatory scheme.

Mr. Benson, from that comment, do you think there is a need to listen to more witnesses, and if you do, who would they be?

**Mr. Phil Benson:** Oh, my goodness. Our maintenance away people are not here, as they're kind of busy.

I think with the standard group you've got here, I'd like to see some public interest people coming. If you look at the people who are in the transportation of dangerous goods group, we have a public interest. We have, if you were interested in safety measures, some firefighters and chiefs of police. We have fire chiefs and police officers.

I think other than that it seems to be the same round of people because it's a very specialized area.

**Mr. Vance Badawey:** If I may, just to clarify—

**Mr. Phil Benson:** Oh, municipalities and community groups, as well. Sorry.

**Mr. Vance Badawey:** So you would like us to also hear from emergency services basically, which quite frankly are run by municipalities, whether it be chiefs of police, emergency services such as ambulance and fire departments, and haz-mat groups, people like that—

**Mr. Phil Benson:** —and public interest groups.

**Mr. Vance Badawey:** And public interest groups. Who would you say are part of public interest groups?

**Mr. Phil Benson:** The best thing is to look at the list of people on the advisory council to the transportation minister on the transportation of dangerous goods. They're all people who are very aware of moving dangerous goods. We've dealt with all of the issues around Lac-Mégantic, trains, and trails. I think it's Ernie Wong. I'm not sure of his last name, but I'll get it for you.

Public interest should be here too. It's not just a matter of the experts, but the public should be here as well.

• (1650)

**Mr. Vance Badawey:** You also mentioned, and I believe all the presenters mentioned, the fact of past reports. I think the former minister mentioned it with respect to the order, I guess, for lack of a better word, that she presented to Transport Canada and the committee. Then it stopped. There was no further action.

When you talk about the consistency between what exists today with trucking, road, with air—and by the way, I think air still has some more to do, because a lot of the recommendations weren't implemented—

**Mr. Phil Benson:** You're absolutely correct.

**Mr. Vance Badawey:** —that can very well be a next discussion for this committee to get our teeth into. With that being said, in your opinion, why isn't it consistent? I don't see any consistency here with trucks, air, or rail: fatigue is fatigue.

I'm taken aback by the inconsistency here with respect to the regulations and protocols.

**Mr. Phil Benson:** I'll be blunt about it.

The rail people come here and say they built the country. Just so you know, I'm very proud that the Teamsters are, I think, 108 years old now. Sitting beside me, their organization predates Confedera-

tion. They built the country too, because they were operating the trains.

You can talk about the rail barons. They come up here. We thought we had something done. We had a unanimous vote of Parliament to deal with fatigue in 2011, and not a darn thing... I bet you if we followed the trail of the RAC and the lobbies up to the PMO's office, I'm pretty sure you'll find out they said they didn't want it because it would be inconvenient and would cost them money.

I think it's sad that a small group can have that much power to say they just don't want it, so it's not going to happen. The science is there. I think there's the will in Transport Canada to get it done. There's the will of the parliaments to get it done. We'd like to get it done, and it just hasn't been done. It was not just once: there were four times over these last 15 years when I know I had the House and Senate 100% by a voice vote on our side. I know that later we had the minister onside, and it just died.

This is very frustrating, because the issue doesn't go away. People are being hurt. People are getting sick. It is costing health care money. It's just darn wrong, and I think it's time to act. Mr. Sikand last time asked a question of the bureaucrats who came. He said, fix it. Why isn't it fixed? They keep coming here and saying why isn't it fixed? That's the only answer we have.

**Mr. Vance Badawey:** Thank you, Mr. Benson.

**The Chair:** Mr. Stevens is trying to say something.

**Mr. Vance Badawey:** Go ahead.

**Mr. Brian Stevens:** I have a very short comment. When I look at fatigue management, I also want to look at freight car safety regulations and other things like that, where there's almost a similar dynamic at play.

**Mr. Vance Badawey:** If I can jump in here, I'll prompt you—or Mr. Arseneau, for that matter—on something else, too, with respect to where I think you're going. Is it also the maintenance and the consistency of maintenance?

**Mr. Brian Stevens:** When it comes to freight car safety maintenance, we can look at how it's different. In the airline industry, when an airline mechanic says, “This plane ain't leaving, because the bearings are bad on that nose wheel”, do you want to know what happens? It doesn't leave. And do you know what happens when they say they have to change planes? Everybody says, “All right.” When they say the bearing on the nose wheel is worn out, everybody says, “Okay”. In the rail industry, we could have a front-line supervisor who worked yesterday at a 7-Eleven but is now my supervisor and has powers under the freight car safety act to overturn my decision to say that a freight car is unsafe to move.

When it comes to the maintenance issues, thankfully we haven't seen too much causes of derailments related to maintenance of the locomotives and the freight cars, but I think we'll see more and more of them. The railways are relying so much on technology—on hot wheel detectors, on cold wheel detectors, on pounding or wayside detectors—but I think there is nothing better than a mechanic as opposed to somebody else looking at a freight car.

**Mr. Vance Badawey:** Mr. Arseneau.

**The Chair:** Very quickly, Mr. Arseneau.

[*Translation*]

**Mr. Pierre Arseneau:** I am going to answer this part of the question.

People say that the accidents did not happen because of maintenance, but it is completely the opposite in the Lac-Mégantic case. Remember that the engine that caught fire had been modified because it was leaking oil, and one part had been replaced by a wrong one, as I explained earlier, because they wanted to save time and money. So maintenance is the important element in avoiding accidents. I totally agree with the comment that the plane will not take off, but in many cases the train, especially in the case of small businesses, will travel anyway, at any cost. Of course, CN and CP have the means to have inspectors so that when there are accidents, people will go on site, but smaller businesses are left to their own devices. If in addition there is deregulation, clearly there are going to be some serious maintenance problems.

• (1655)

[*English*]

**The Chair:** Thank you very much, Mr. Arseneau.

Mr. Badawey, your time is up.

Ms. Watts, you have six minutes.

**Ms. Dianne L. Watts (South Surrey—White Rock, CPC):** Thank you very much.

I appreciate your coming. There are two items I want to touch on. One is around the inspectors. From what I heard, and correct me if I'm wrong, there are no inspectors being hired at this point in time. Is that correct?

**Ms. Christine Collins:** That is correct.

**Ms. Dianne L. Watts:** And there is a staffing freeze currently in place?

**Ms. Christine Collins:** That is correct. The staffing freeze is in place because Transport Canada used operational dollars over the last two years to meet their salary dollars. Treasury Board has instructed them to go back and meet the salary envelope. That's the situation.

The deputy minister has sent out correspondence pretty much to that effect. Treasury Board has put a financial person in at Transport to ensure they get their salary dollars down to the level they're allotted.

**Ms. Dianne L. Watts:** Right. Then within the budget there has been a decrease, as you've stated, of 21%.

I want to talk about the impact of not having those inspectors. We've had conversations...and as a former mayor of a community

where dangerous goods have gone through the community, I want to bring those pieces together.

I appreciate your comments around the unannounced inspections and having regular inspections as well, because I would agree, when you're self-regulating, a lot of things can happen. But in terms of that, what does it look like on the ground?

**Ms. Christine Collins:** What it looks like on the ground is that the focus is all on SMS audits. The inspectors are spending less and less time doing unannounced inspections and oversight.

In rail, in theory they have two sets of employees. One set is auditors and one set is inspectors. However, given the direction from the previous government, inspectors are now spending time doing audits. The whole focus has shifted from the inspector side to the SMS audits as more and more companies are online with SMS. Unless they discover a problem, it's really a paper exercise.

**Ms. Dianne L. Watts:** That's right, because I would think that the inspector should actually go out and be there and inspect. We had Transport Canada here, I think at the previous meeting, and I was trying to drill down on this and have that discussion. This is in alignment with what you've said.

I want to go back to another point here, about 1-800 whistle-blowers. I think you said that within minutes the rail companies can find out who actually made a particular call. That would seem to me to defeat the purpose of being anonymous. There has to be another mechanism in place for how that information gets relayed, distinct from a 1-800 number, if the rail company is going to find out within minutes and then cause them to be fired. Isn't that so?

Again, what would it look like, if there's whistle-blower legislation in place? I think everybody's on the same page insofar as any kind of safety is concerned.

Does anybody want to...?

**Mr. Jerry Dias:** It's interesting, because....

Let me switch gears for a moment. Under the occupational health and safety act a worker is entitled to refuse unsafe work, and the legislation protects them so that they can't be disciplined by their employer. If in fact a person who has had a clear record all of a sudden refuses unsafe work and the employer disciplines them a few days or a few weeks down the road, it's not too difficult for an inspector, an outside person, to take a look and see that there's a clear correlation.

I think it really has to start with some sort of protection, and it has to be obviously monitored by Transport Canada. I think that's a part of it.

• (1700)

**Mr. Phil Benson:** The 1-800 mechanism and the whistle-blower protection that we mentioned are contained in the safety management system controlled by a company. What we've said is—

**Ms. Dianne L. Watts:** So it has to be moved out of that.

**Mr. Phil Benson:** —that there are a whole bunch of sections that we have to take out of the SMS and put into the power of the government, because then, if they try to discipline you, it's not a fight with us at CIRB; it's the government coming down their neck saying, "you can't do that".

**Ms. Dianne L. Watts:** Yes, so it's shifting it. That makes total sense to me.

My next—

**The Chair:** Is it short, because your time is up?

**Ms. Dianne L. Watts:** It's around the protocol in place now for transporting of dangerous goods through communities. I've heard that it should be done in real time. Now, I understand that either the haz-mat units or the fire department will have that information or will obtain that information, and I don't believe it's in real time—

**Mr. Phil Benson:** That's correct; it's not in real time.

**Ms. Dianne L. Watts:** No, it's not in real time.

What mechanism should be put in place? Would it be upon departure, or would all the communities along the route be advised that this is coming through their community in  $x$  amount of time?

**Mr. Don Ashley:** The railway already has that ability. They have real-time tracking on every train. When a train goes in and out of communities, they go by readers. It's just a matter, then, of making them provide that information to the community or to the appropriate person.

**Ms. Dianne L. Watts:** They can provide it, but not in real time.

**Mr. Don Ashley:** Right, but you could make them provide it. If you made them provide it in real time, they could.

**Ms. Dianne L. Watts:** It would require, then, a change in legislation. Okay.

**Mr. Brian Stevens:** Let me say quickly on this point that while focusing on this relaying of information to municipalities is all great stuff, our focus should be on making sure that the railways are operating safely and that the cars stay on the tracks.

**The Chair:** Thank you.

Ms. Duncan, you have three minutes.

**Ms. Linda Duncan:** First of all, I want to thank Mr. Benson for recommending that we also hear from community groups. I recommended six or seven, and I'm going to make that case, if we have a discussion about this. The Federation of Canadian Municipalities should definitely be heard, and first nations too; there are many people.

Most of the discussions to date on regulation of the rails, frankly, have been between the rail industry and government, and quite often the workers—which is good. However, the people who have been excluded are the people who are being impacted by these derailments.

I want to go to the point made by Ms. Collins about inadequate enforcement compliance response since the three-fold increase—and, coming soon, a 10-fold increase—in the shipping of oil by rail. We're not dealing with a sector any more that's shipping grain and logs and automobiles or whatever, but this is now a significant, risky industrial sector.

Have you found your job to be more difficult and that you need more intensive training? Do you feel you need a different skill base, now that you're dealing with rail companies of quite a different character?

**Ms. Christine Collins:** That would be very true, but when we look at the dangerous goods directorate at Transport Canada, they have gone from what I would say are the specialists to the generalists, because the dangerous goods directorate is now multimodal. The dangerous goods inspectors are no longer rail or aviation specialists. Dangerous goods are dangerous goods no matter what the mode is. That's clearly not the way we believe it.

The way they are doing that is very problematic. Whenever you take away the specialists and make them generalists, you know it won't be great.

**Ms. Linda Duncan:** I'm new to this portfolio since the last election, and it's massive. As you know, if you work in transport, the rail industry itself is complex, and it has taken me a while to figure out how many entities there are. I'm looking forward to the Transportation Safety Board's coming in as well, because we don't really have that in the other industrial sectors. One group goes in and investigates the accident; the other group investigates and maybe brings charges.

As the enforcers on behalf of the public, do you think you have sufficient enforcement powers, and do you find that your enforcement powers are being fettered in any way by enforcement people at headquarters who are not necessarily trained?

• (1705)

**Ms. Christine Collins:** I'll try to respond to that. We do have an enforcement group at Transport Canada. The inspectors themselves used to be part of the enforcement group, and they were the ones that would make the recommendations or give the order and go to court. Now it's a two-step process, and again, enforcement is going multimodal, but they are viewed by Transport Canada as the experts to proceed with enforcement.

At the Transportation Safety Board, they are the investigators, but that board has no authority whatsoever. They are a recommending body, so their role is to say what is wrong, that this is what needs to be done, that this is how to correct it, which they then put in the hands of Transport Canada, the regulator. That is wrong as well. The Transportation Safety Board really needs powers to ensure that what they find has gone wrong is fixed.

**Ms. Linda Duncan:** Can Mr. Teeter supplement that?

**Mr. Michael Teeter:** Christine said this in her opening comments, but it's very important that the minister sets the tone. The powers exist in the acts for the minister's delegates, the inspectors, to take action, to put a go-slow order in place or whatever. However, if the inspectors and the people they report to fear they are going to be overturned, that there is going to be some political implication to their taking action, then they stop doing it, or they become nervous about what they are supposed to do.

The signals from the top have to be clearly given, and they haven't been for some time. It could change. We have a new government. It could change.

**The Chair:** Thank you very much, Mr. Teeter.

Mr. Berthold, you have six minutes.

[Translation]

**Mr. Luc Berthold:** Thank you, Madam Chair. I am going to share my time with Ms. Block.

Like Ms. Watts and Mr. Badawey, I too was mayor of my community, Thetford Mines. I am sure that we obtain accurate information when we speak directly to people who work on the ground. Gentlemen, I was quite stunned earlier when you talked about whistleblowers and dismissals.

Have your unions recorded the number of grievances, dismissals or disciplinary measures taken against whistleblowers? You may each answer in turn. I would like to have a clear picture of the situation in order to know just what is happening on the ground. This is an important aspect of what you have been saying today.

[English]

**Mr. Don Ashley:** I don't know if I could give you the total number of how many people have been disciplined for whistle-blowing, but I can tell you it's certainly there, and the discipline they get would not be as a result of whistle-blowing. It would be as a result of something they did the next day or cumulatively because they would have a target on their back and be under extreme scrutiny for that measure.

**Mr. Phil Benson:** When we did the 2011 amendments, you always have to have a poster person. Ours was Brother McDavid. Brother McDavid was fired for not having his shoelaces correctly tied. He never had a problem as an employee until he became a rep for the union. Then all of a sudden, he was told, "You didn't do this" and "You didn't do that". But that was a culminating event. Of course, he got his job back. There was a grievance that we had to spend money on. When you have companies firing people for not having their bootlaces correctly tied, all of you can figure out what it's like out there.

**Mr. Brian Stevens:** From Unifor's perspective, from a mechanical perspective, if someone makes a call to Transport and it deals with Bredenburg or Melville, Saskatchewan, you have to know there are only one or two people there, so it has to be one of two.

I can go to the recent situation in Lethbridge where Transport Canada came as a result of some communications we provided them. Three of our members in Lethbridge are no longer working. That's going through the grievance procedure. As Don says, they're not fired for whistle-blowing. They were fired for failing a PTR proficiency test, because their zipper wasn't done all the way up. It happens. We go through the system and the machinations, but it's not hard to tell what's going on.

● (1710)

[Translation]

**Mr. Luc Berthold:** Mr. Arseneau, to conclude, I would like to know if there have been similar cases in your union.

**Mr. Pierre Arseneau:** I don't have any recent examples, but we note that people do not have the feeling that the system is watertight, particularly in cases where people communicate verbally. Even if they did not call the company directly, in light of the fact that they know it is a structure put in place by the company, people will obviously be very wary. In any case, it will not be effective.

You need to put in place a truly watertight system so that people feel entirely confident. Otherwise, you are wasting your time.

**Mr. Luc Berthold:** Thank you.

**Mr. Pierre Arseneau:** I have no examples to give you.

[English]

**Mr. Don Ashley:** If I could just add one quick point with regard to the discipline thing, in recent years, with American influences coming up here, there have been changes in the management of the railway. Discipline used to be like a demerit system. You'd get demerits. If you got five demerits one day and you did the same thing a month later, you might get 10 demerits for that. Now it's an automatic 30-day suspension. Then the next time, it's a 60-day suspension. If you're lucky, you get the 60 days and not just put out on the street.

Everybody out there is working to support their families. They can't make a decision that's going to put them at home for 30 days without a paycheck. That's what's happening. That culture of fear takes away from safety.

**The Chair:** Ms. Block.

**Mrs. Kelly Block:** I just want to follow up on the comments made about the intermodal or multimodal approach to the transportation of safety goods. Building on something Mr. Stevens said prior to his last comment reminding us that the focus is to keep the cars on the track, perhaps you can explain to me why a multimodal approach isn't appropriate. If you have the right systems, regulations, and oversight in place within each mode of transportation, you would need to have a different approach for different modes, if I understood you correctly.

**Mr. Brian Stevens:** You did, but I will let Christine handle it first.

**Ms. Christine Collins:** I was speaking about the dangerous goods inspectors. The issue is that the dangerous goods inspectors come from their environment. You have civil aviation dangerous goods inspectors whose experience is with aviation. You have rail inspectors and you have marine inspectors. But when you put together in a group where they are all multimodal dangerous goods inspectors, today they're doing rail and tomorrow they're doing aviation. They're going to get two days in training, if they're lucky, because Transport has cut training dollars, too. That's the way they're going to do inspections.

What I'm suggesting is that dangerous goods inspectors for rail should be part of the inspection team for the rail safety inspectors. They shouldn't be out in a totally different section, not being the rail expert on dangerous goods, as part of the inspection. That's the problem with multimodal inspection.

I'm sure the users would prefer to have someone who is an expert in dealing with dangerous goods specific to rail, rather than having an inspector of a rail line who comes from an aviation background and whose experience is with aviation.

● (1715)

**The Chair:** Thank you very much, Ms. Collins.

Mr. Massé.

[Translation]

**Mr. Rémi Massé (Avignon—La Mitis—Matane—Matapédia, Lib.):** Thank you, Madam Chair.

Once again, I thank all of the witnesses for having agreed to come to this meeting. I appreciate their presence greatly.

I represent a riding in the Lower St-Lawrence and the Gaspé, and the citizens there are very concerned by all of the issues around rail safety. The Auditor General tabled a report in the fall of 2013 in which he made a series of recommendations. The previous government had committed to ensuring that all of these recommendations would be implemented in an action plan that was to be ready by 2016.

I would like to hear about the progress that has been made on that action plan.

[English]

**Mr. Brian Stevens:** A number of working groups have come out of that. Some of them have made some progress, some of them have made no progress, and some of them have been dismantled.

It's a frustrating road ahead to get some of these activities moving. Fatigue management is now two and a half or three years old. Missed signals is probably about four years old. There are many of these working groups, but there's no urgency.

I guess it goes back to Don's point earlier, as the advisory committee has not met since the spring of 2015. There's no urgency on it. I think that's where it comes from.

As my friends to the left of me here said earlier, the minister needs to come out and take a solid position. It flows down from that. The advisory committees get back working together. The working groups are tasked with getting stuff done. It just seems like there's no urgency today.

**Mr. Phil Benson:** On the dangerous goods side, there have been a number of advisory councils and many committees ongoing and going forward, and we participate on most of them.

But, again, on many of the issues that we'd have raised, things like municipalities getting direct access, the answer was no. A lot of good work has been done. We still have committees ongoing. I find it surprising that it takes three to four years, or two to three years after an accident occurs. I find it shocking. Was it 40 years ago for Hinton?

We still haven't dealt with fatigue. It just seems that in this industry, it takes way too long. I worked on 9/11. It was a hard time. It didn't take 15 years to get something done—though, to be honest, it was only about two-and-a-half years ago that we wrapped up the last little bit.

When I see problems in other sectors, we really seem to get the buy-in from industry. We get the buy-in and we move forward. In this one, it's zero. That's why I hope this committee, its staff and MPs, can work together, as I have worked on previous occasions. I think I've met about eight of you so far.

I hope you all get together and talk, your staff gets together and talks about it, because this committee really has a lot of power from

my experience with previous committees. The recommendations you put forward are something we can carry forward and get done.

This is something that just has to get done. It's not just fatigue. It's not just inspectors. It's the industry itself. The railway companies need to be helped themselves to bring them into the 21st century. We can do better, we should do better, and I am looking forward to working with you to get there.

**The Chair:** Mr. Massé, you still have two minutes left.

**Mr. Rémi Massé:** I'd like to pass my time to Mr. Fraser.

**The Chair:** Mr. Fraser.

**Mr. Sean Fraser:** We haven't touched on the use of video and voice recorders after the 2012 TSB recommendations following the Burlington derailment. There was a recommendation to make video and voice recorders in locomotives mandatory.

Would this make workers and communities safer? How is the process going toward implementing that recommendation?

**Mr. Phil Benson:** First of all, this is just a reminder that three teamsters lost their lives in that tragedy.

The use of VDR has been an ongoing issue. We did have a working committee and, just so you know, the conclusion of the working committee was that it would do absolutely nothing for safety and that basically it was a TSB wish. It was very interesting because Mr. Stevens was there too. Just so you understand that, the then DG for rail safety told us that the Transport legal department, the TSB legal department, and Justice all said to just put VDR on rails.

For us it would be both a privacy and constitutional “no”. Where it's at is—he will talk about the study—that some negotiations were ongoing with TCRC and the company. TCRC previously has said that if it were for TSB purposes alone, there's a way to do it. The company's position is that they want to use it to monitor employees and, in our viewpoint, for discipline. So you can talk about the study, but that's where it's stuck. The companies don't want to spend \$8 million to put it in to treat us like pilots with the same protection the pilots have, and that's where that's stuck.

● (1720)

**Mr. Don Ashley:** I can't really talk about the study because I'm under observer status for the TSB. There is a study going on right now, a safety study. I can tell you that our position is that we have no objections to LVVR being installed and operating under the current protections of the Transportation Accident Investigation and Safety Board Act. Our concern is that when those tapes get released to the carrier for viewing and compliance, that's going to create safety hazards and silent cabs. I talked about our members' fears about reporting safety issues. They're going to be focused on that camera. That camera is going to be on them for 12 hours a day. They're going to be focused on that camera, and it's going to distract them from their duties. They're not going to communicate with their co-worker for fear that everything is being recorded and it's Big Brother. Everything will be recorded and your boss is going to see that all day long.

**The Chair:** Thank you, Mr. Ashley. Your time is up again.

Ms. Duncan.

**Ms. Linda Duncan:** Just quickly, I'd like to use my time for this, Madam Chair, because I'm a little bit concerned that we've made a number of requests to the government authorities for related information, and I don't believe these have been met yet. One I asked for was access to the risk analyses that were done, the risk assessment report. Secondly, I asked for the SMS for CN/CP for all lines in Alberta. I asked for a whole list of information on enforcement: the enforcement compliance policy; and a list of enforcement personnel indicating whether they were full-time or part-time, and their qualifications and job descriptions and training; and for a breakdown of time dedicated to paper audits versus field inspections; and also for the Faust report. I'm just wondering if maybe the clerk can follow up on those, because I think that information is going to be really important to doing our final report.

There's a lot of information here. I suggested when I recommended this study that the few days we had.... Well, there's so much we have to do in this committee, and the infrastructure too, so that it's really tough.

I just want to say how much I appreciate the calibre of the testimony of these witnesses. It's given us a lot of food for thought. However, I'm just wondering if I've got the right message, that a lot of the recommendations you're making today have been made many times over before. Am I hearing clearly that what you would like is more timely action and response on these and that you think that all stakeholders should be at the table when we make our recommendations?

**Mr. Phil Benson:** I think our frustration as teamsters and my personal frustration is that I don't know what more we have to do. To be blunt about it, a voice vote in the House and Senate in the past Parliament is unheard of. It's unheard of anytime, so obviously we had to help make that happen. When Parliament has spoken, when this committee has spoken, when the previous minister has spoken.... Minister Lapierre just passed away. We eulogized him, and I talked about the important role he played in bringing hours of service to truckers.

How often do we have to come here? It's not us stopping it; it clearly isn't you stopping it; there's only one party left that's stopping it. And quite bluntly, when is somebody going to grow some gonads and say, "Get on with it", and just say, "No". Workers aren't going to go kill themselves. We're going to find out how much health costs are burdened; we're going to find out about it and fix it. We know precisely what's wrong. There are previous reports; go read them. We need action. So it's not the frustration of coming back over and over again. I will come back for the next 10 years if I have to, but we all agree it's a problem. We've all dealt with it; we've all supported it. Move forward.

• (1725)

**Mr. Brian Stevens:** If I may say, from a personal perspective, we're railway workers too and we live in the communities. Every time there's a derailment in a community, every time there's a rail story in a community, people look to us for answers.

You need to understand, as I said earlier, the iron content in our blood is pretty high. We are defenders of the railway. We are promoters of the railway, but as Brother Benson says here, we need some action.

**Ms. Dianne L. Watts:** Just as an FYI, I'm not going to grow any gonads. I'm good enough on my own, thanks.

**An hon. member:** Did you check what's in the water lately?

**Ms. Dianne L. Watts:** Just as an FYI....

**Mr. Phil Benson:** It has never been this committee that hasn't acted. I'll tell you that for all the years I've been testifying before this committee, it has never been this committee that hasn't taken the action.

**The Chair:** Is there one more thing you would like to get in, Mr. Hardie?

**Mr. Ken Hardie:** I have one very brief comment and a reaction from everybody. What I've heard so far is that light-touch regulation and SMS is at best a layer that could be helpful, but should not necessarily be the thing that we use to secure a safely operating rail system.

What I've also heard is that moving away from that may involve government taking a more direct, proactive, progressive role, an activist role, which involves regulations that will run into difficulties with your members, as they will from the railway. That's a possibility as we look into things like fatigue management and having what some people might call the "heavy hand" of government come down to straighten things out.

On balance, is that a fair assessment? Are you guys really calling for government to step in with a more activist role in regulation, and will you be prepared to support that with your members even though it might rub some of them the wrong way?

**Mr. Phil Benson:** I have dealt with that in road. I will deal with it anywhere. It is a responsibility of a union to stand up and protect the health and safety of workers, and I will stand up at any meeting and tell them that.

That's why the regulations in trucking look like they are, and air look like they are, and if you bring them on in rail, I'll stand up and take the crap for it if you want, but the answer is yes, good laws, good regulations are good for everybody.

Our job is to protect our members, to build a good transportation system in this regard. Yes, we want our companies to make money fairly, not at the expense of the environment, public safety, or the health and safety of our workers. But the answer is no, that is not a problem.

**The Chair:** I believe Mr. Arseneau was trying to add a comment.

[*Translation*]

**Mr. Pierre Arseneau:** We too are going to face the music. We also do not think that deregulation is the solution.

The Lac-Mégantic example is striking. There were no workers who got up one morning, took their lunch box and decided that there would be 40 casualties that evening. That event is mainly attributable to deregulation. There was an extremely negligent employer. It was a small railway company. Stricter regulation could have prevented this incident.

The responsibility for that event has to be placed on the company that was negligent, rather than bringing criminal charges against the workers.

[English]

**The Chair:** Thank you very much, Mr. Arseneau.

It is now 5:30. I want to thank very sincerely on behalf of the committee Mr. Arseneau, Mr. Benson, and all of you who took time out of your schedules to come to testify here, as you've done before, but certainly you've made it very clear.

We've all heard enough. There have been enough decisions, but never any action. Your message to us, I believe, is that you want

action this time. Frankly, it's clear that we do need to try to make that happen.

Thank you all very much for being here.

Once the witnesses have left, we have to have some time for committee business. If the witnesses could exit fairly quickly, we would appreciate that very much.

• (1730)

**Mr. Ken Hardie:** Madam Chair, shall we go in camera for this?

**The Chair:** I leave that up to the committee. What's the wish of the committee? Do they wish to go in camera?

**Mr. Ken Hardie:** Actually, it has been called.

**The Chair:** We have been called to go in camera for committee business.

All right, give us a second.

[*Proceedings continue in camera*]

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